

12/7/98 4:16:45 PM
Page 1

1999 DRAFTING REQUEST

Bill

Received: 09/28/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: David Brandemuehl (608) 266-1170

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copies:

Topic:

Single state registration system

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|---------------------|---------------------|----------------|--------------------------|-------------------------|-----------------|
| /? | nilsepe 11/2/98 | gilfokm 11/5/98 | | _____ | | | State |
| /P1 | nilsepe 11/23/98 | gilfokm 11/27/98 | jfrantze 11/5/98 | _____ | lrb_docadmin 11/5/98 | | State |
| /1 | | | lpaasch 11/30/98 | _____ | lrb_docadmin 11/30/98 | lrb_docadmin 12/7/98 | |

FE Sent For:

12/7/98

<END>

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| /P1 | nilsepe 11/23/98 | gilfokm 11/27/98 | jfrantze 11/5/98 | _____ | lrb_docadmin 11/5/98 | | State |
| /1 | | | lpaasch 11/30/98 | _____ | lrb_docadmin 11/30/98 | | |

FE Sent For:

<END>

11/5/98 5:01:52 PM
Page 1

1999 DRAFTING REQUEST

Bill

Received: **09/28/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **David Brandemuehl (608) 266-1170**

By/Representing:

This file may be shown to any legislator: **NO**

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May Contact:

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Subject: **Transportation - motor vehicles**

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|--------------|--------------------|---------------------|--------------|----------------|-------------------------|-----------------|-----------------|
| /? | nilsepe 11/2/98 | gilfokm 11/5/98 | | _____ | | | State |
| /P1 | 11-11-27 kmg | jfrantze 11/5/98 | | _____ | lrh_docadmin 11/5/98 | | |
| FE Sent For: | | 11/30LP | 11/30LP | nmh | | | |

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/28/98

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Wanted: As time permits

Identical to LRB:

For: David Brandemuehl (608) 266-1170

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

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Subject: Transportation - motor vehicles

Extra Copies: 10

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See Attached

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| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| | | | | | | | |
|----|---------|--|--|--|--|--|--|
| 1? | nilscpc | | | | | | |
|----|---------|--|--|--|--|--|--|

8/18/5

8/11/5

Submit
7/01
-PEN

FE Sent For:

<END>



DAVID BRANDEMUEHL

**State Representative
49th Assembly District**

TO: Paul Nielson, Legislative Reference Bureau

FROM: Sheri Krause, Rep. Brandemuehl's office

A handwritten signature in black ink, appearing to be "SK", written over the "FROM:" line.

DATE: September 28, 1998

RE: Drafting requests

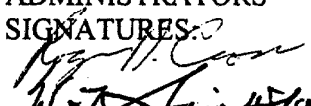

Attached are four proposals for legislation that Rep. Brandemuehl would like drafted. I've provided you with all of the relevant information I was given by the DOT, so if you have any questions or would like a clarification, please feel free to call me or the DOT contact person. Rep. Brandemuehl would also like to reintroduce AB 752 from last session.

Also, you should be getting (or may have already gotten) some drafting requests from the DOT that relate to: deleting outdated references to liens on titles that date from before 1966; removing the few remaining statutory references to specific dates for expiration of motorcycles/mopeds and farm trucks; deleting the word "retail" in reference to motor vehicle auction dealer penalties; eliminating the requirement, but make optional the purchase of two dealer license plates for motor vehicle salvage pools; and eliminating the requirement that DOT revoke a dealer license for misuse of dealer plates. Rep. Brandemuehl will be introducing these bills on their behalf, so I would appreciate it if you could please send us copies of the drafts.

Thanks for your help Paul! Please let me know if you have any questions or problems.

WISCONSIN DEPARTMENT OF TRANSPORTATION
LEGISLATIVE PROPOSAL FORM
BUDGET (NON-BUDGET)

SHORT TITLE OF ISSUE: Single State Registration System

| | |
|--|--|
| DIVISION(S): Division of Motor Vehicles, Bureau of Vehicle Services; Division of State Patrol | DIVISION ADMINISTRATORS' SIGNATURES:   |
| DATE: May 1, 1997 | |
| OPB CONTACT PERSON: Lis Gorenstein, DMV; Rollee Couey, DSP | TELEPHONE #: Lis Gorenstein: 266-0179; Rollee Couey: 264-9524 |
| LEAD DIVISION CONTACT PERSON: Carson Frazier, DMV; Lorelee Brumund, DSP | TELEPHONE #: Carson Frazier: 266-7857; Lorelee Brumund: 267-3622 |
| OGC CONTACT PERSON: Al Lepaska | TELEPHONE #: 266-0253 |

DEFINE PROBLEM PRECISELY

Wisconsin is a member of the Single State Registration System Program which requires that all regulated "for hire" interstate motor carriers file proof of insurance and registration documentation in their base state. The SSRS is also used to distribute permit fees to the member jurisdictions. The enforcement statutes, §194.34(1) and §194.41(1), were created prior to the implementation of the SSRS. These statutes authorize DSP to take enforcement action against a carrier who is not displaying a legal Wisconsin permit, but make no mention of the fact that SSRS allows carriers to operate as long as they have a legal permit from this or any other SSRS state. Recently the Dane County District Attorney's Office has questioned whether there is authority to enforce the SSRS requirement against carriers from other member states.

We would like to clarify that DSP has the authority to enforce SSRS requirement, even for carriers from other states. We have included a provision in Trans 177, stating that registration with another state's SSRS system satisfies the SSRS requirements of this state and that penalties for operating without required insurance may be applied. This provision is included pursuant to our statutory authority to effectuate the SSRS agreement. However, we would like to also have statutory provision to specify that vehicles from other states, operating in Wisconsin under SSRS, must have a permit from that other state indicating the vehicle has insurance as required under SSRS. This will clarify that DSP has the authority to enforce the requirement that a for-hire carrier must have insurance on file, and apply that requirement to carriers from other states travelling in Wisconsin.

PROPOSED SOLUTION

Amend §194.34(1) and §194.41(1) to clarify that all interstate regulated for hire carriers must operate with a valid permit from any SSRS state. This will clarify that the penalties in §194.17 apply to carriers from other states with SSRS permits who operate in Wisconsin.

LEGISLATIVE BACKGROUND

Statutory provisions to allow Wisconsin DOT to effectuate the SSRS agreement were established in the 1993-95 biennial budget. This issue regarding penalties has arisen as the program has been operating. We are not expecting any opposition to this proposal. The Divisions of Motor Vehicles and State Patrol have cooperatively developed this proposal. We anticipate that Wisconsin Motor Carriers Association will support because this will provide for equal enforcement of all interstate regulated for hire carriers -- not just Wisconsin carriers.

(2) **Water carriers.**—A water carrier providing transportation subject to jurisdiction under subchapter II of chapter 135 shall file income tax information returns and other reports only with—

- (A) the State and subdivision of residence of the employee (as shown on the employment records of the carrier); and
- (B) the State and subdivision in which the employee earned more than 50 percent of the pay received by the employee from the carrier during the preceding calendar year.

(3) **Applicability to sailors.**—This subsection applies to pay of a master, officer, or sailor who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal, or noncontiguous trade or in the fisheries of the United States.

(c) **Filing of information.**—A motor and motor private carrier withholding pay from an employee under subsection (a) of this section shall file income tax information returns and other reports only with the State and subdivision of residence of the employee. (Added Pub.L. 104-33, Title 1 § 105, Dec. 29, 1995, 108 Stat. 401.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports. 104-33, see, generally, their section 1995 Acts, House Report No. 104-311 and House Conference Report No. 104-422, see 1995 U.S. Code Cong. and Adm. News, p. 793.

Effective Dates

1995 Acts. Section effective Jan. 1, 1996, except as otherwise provided in 1995 Acts, except as otherwise provided in Pub.L. 104-33, see section 2 of Pub.L. 104-33.

Prior Provisions

Provisions similar to those in this section were contained in section 11504 of title 49 of the United States Code prior to the general amendment of this subtitle by Pub.L. 104-33, § 107(a).

LIBRARY REFERENCES

American Digest System

Federal supremacy and preemption: carriers, see States § 13.21.

Encyclopedias

Regulation of carriers: preemption by federal statutory law or other law, see C.J.S. Carriers § 21 et seq.

WESTLAW ELECTRONIC RESEARCH

States cases, 3600 and 700 number). See, also, WESTLAW guide following the Explanation pages of this volume.

§ 14504. Registration of motor carriers by a State

(a) **Definitions.**—In this section, the terms "standards" and "amendments to standards" mean the specification of forms and procedures required by regulations of the Secretary to prove the lawfulness of transportation by motor carrier referred to in section 13501.

(b) **General rule.**—The requirement of a State that a motor carrier, providing transportation subject to jurisdiction under subchapter I of chapter 135 and providing transportation in that State, must register with the State is not an unreasonable burden on transportation referred to in section 13501 when the State registration is completed under standards of the Secretary under subsection (c). When a State registration requirement imposes obligations in excess of the standards of the Secretary, the part in excess is an unreasonable burden.

(c) **Single State registration system.**—

(1) **In general.**—The Secretary shall maintain standards for implementing a system under which—

(A) a motor carrier is required to register annually with only one State by providing evidence of its Federal registration under chapter 139;

(B) the State of registration shall fully comply with standards prescribed under this section; and

(C) such single State registration shall be deemed to satisfy the registration requirements of all other States.

(2) **Specific requirements.**—

(A) **Evidence of Federal registration; proof of insurance; payment of fees.**—Under the standards of the Secretary implementing the single State registration system described in paragraph (1) of this subsection, only a State acting in its capacity as registration State under such single State system may require a motor carrier registered by the Secretary under this part—

(i) to file and maintain evidence of such Federal registration;

(ii) to file satisfactory proof of required insurance or qualification as a self-insurer;

(iii) to pay directly to such State fee amounts in accordance with the fee system established under sub-paragraph (B)(iv) of this paragraph, subject to allocation of fee revenues among all States in which the carrier operates and which participate in the single State registration system; and

(iv) to file the name of a local agent for service of process.

(B) **Receipts; fee system.**—The standards of the Secretary—

(i) shall require that the registration State issue a receipt, in a form prescribed under the standards, reflecting that the carrier has filed proof of insurance as



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0383/9
PEN.....

PK

P1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-vote

gen cat

WPO
Print w/line #'s

AN ACT ...; relating to: motor carriers and the single-state insurance registration system.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating as a common motor carrier or contract motor carrier (generally, motor carriers who, for compensation, transport passengers or property by motor vehicle) unless the person possesses the appropriate authorization issued by the department of transportation (DOT), files with DOT proof of liability insurance and registers the vehicle in this state. Also under current law, this state participates in a federal single-state registration system, under which motor carriers that travel between states are required to obtain authorization, file proof of liability insurance and register the vehicle with the motor carrier's base state, instead of with each state in which the carrier operates.

This bill clarifies that contract motor carriers registered by another state under the single-state registration system may operate in this state without having to obtain authorization and register with this state. Also under the bill, common motor carriers and contract motor carriers registered by another state under that system may operate in this state without having to file proof of liability insurance with DOT.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

(see pages 188-192)

SECTION 1. 194.34 (1) of the statutes is amended to read:

194.34 (1) No person may operate any motor vehicle as a contract motor carrier ~~without first obtaining~~ unless the person first obtains a license and, if required under this chapter, a permit issued by the department, ~~or unless the person is registered by another state under a single-state registration system consistent with the standards under 49 USC 14504,~~ for the operation of the motor vehicle, except that no permit is required for the operation of a semitrailer. The department may refuse to issue any license or may attach to the exercise of the privilege granted by a license any terms or conditions which are permitted under this chapter.

History: 1981 c. 347 ss. 61, 80 (1); 1985 a. 208; 1993 a. 16.

SECTION 2. 194.38 (5) of the statutes is amended to read:

194.38 (5) To act in accordance with 49 USC ~~11506~~ 14504 by making any finding, determination and otherwise doing any other thing necessary to proceed under that statute. Nothing in this subsection shall permit the department to extend the length or weight of motor vehicles.

History: 1971 c. 139; 1977 c. 29 s. 1654 (7) (a); 1981 c. 20, 42, 347; 1993 a. 16.

SECTION 3. 194.405 of the statutes is amended to read:

194.405 Single-state insurance registration system. The department may participate in and do all things necessary to implement and administer a single-state insurance registration system for motor carriers in accordance with 49 USC ~~11506~~ 14504. The annual fee required under this section for a motor vehicle that is operated in this state and which is subject to the single-state insurance registration system shall be \$5.

History: 1993 a. 16.

SECTION 4. 194.41 (1) of the statutes is amended to read:

194.41 (1) No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier or rental company, no permit or vehicle

registration may remain in force to operate any motor vehicle under the authority of this chapter and no vehicle registration may be issued or remain in force for a semitrailer unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or automobile liability business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. Liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in the amount and under the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle registration may remain in force to operate any motor vehicle unless it has on file with the department a like certificate or other contract in the form and containing the terms and conditions as may be approved by the department for the payment of damages for injuries to property and injuries to or for the death of persons, including passengers, in the amounts as the department may require. This subsection does not

(de space; add 1?)

apply to a motor carrier that is registered by another state under a single-state registration system consistent with the standards under 49 USC 14504.

History: 1973 c. 200; 1975 c. 243, 421; 1977 c. 29 ss. 1319, 1654 (7) (a); 1977 c. 59, 203, 325; 1977 c. 418 s. 924 (48); 1979 c. 102, 154; 1981 c. 347; 1983 a. 34; 1985 a. 208, 332; 1987 a. 216 s. 20; 1993 a. 16.

SECTION 5. 194.41 (6) (a) of the statutes is amended to read:

194.41 (6) (a) Except as provided under par. (b), the minimum insurance required under sub. (1) is the minimum level of insurance established under 49 USC 10927 13906 (a) (1).

History: 1973 c. 200; 1975 c. 243, 421; 1977 c. 29 ss. 1319, 1654 (7) (a); 1977 c. 59, 203, 325; 1977 c. 418 s. 924 (48); 1979 c. 102, 154; 1981 c. 347; 1983 a. 34; 1985 a. 208, 332; 1987 a. 216 s. 20; 1993 a. 16.

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0383/dn

PEN.....

PK

P1

Wis. Adm. Code,

subsection

Do you want to amend s. 194.23 (1) (relating to *common* motor carriers) in a manner similar to the treatment of s. 194.34 (1) (relating to *contract* motor carriers) to address the single-state registration system permits for common motor carriers? ~~Chapter~~ *Section*
Trans. 177.10 of the Wisconsin Administrative Code requires both types of interstate carriers to register under the single-state registration system. ←

Please check the treatment of s. 194.41 (1) closely. Do you want to exempt carriers from this ~~section~~, as drafted, or should a narrower exception be created instead? ←

Please check the corrected obsolete cross-references in ss. 194.38 (5) and 194.405. *and* 194.41 (6) (a)
The U.S. Code section referred to ~~149 USC 21306~~ no longer exists, nor does the Interstate Commerce Commission, which administered that section. *Is this new*
cross-reference OK? *those* *Are these*

Paul E. Nilsen
Legislative Attorney
261-6926

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0383/P1dn

PEN:pk:jf

November 5, 1998

Do you want to amend s. 194.23 (1) (relating to *common* motor carriers) in a manner similar to the treatment of s. 194.34 (1) (relating to *contract* motor carriers) to address the single-state registration system permits for common motor carriers? Section Trans 177.10, Wis. Adm. Code, requires both types of interstate carriers to register under the single-state registration system.

Please check the treatment of s. 194.41 (1) closely. Do you want to exempt carriers from this subsection, as drafted, or should a narrower exception be created instead?

Please check the corrected obsolete cross-references in ss. 194.38 (5), 194.405 and 194.41 (6) (a). The U.S. Code sections referred to no longer exist, nor does the Interstate Commerce Commission, which administered those sections. Are these new cross-references OK?

Paul E. Nilsen
Legislative Attorney
261-6926

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0383/P14n

PEN:pkjf

November 5, 1998

Yes

Do you want to amend s. 194.23 (1) (relating to common motor carriers) in a manner similar to the treatment of s. 194.24 (1) (relating to contract motor carriers) to address the single-state registration system permits for common motor carriers? Section Trans 177.10, Wis. Adm. Code, requires both types of interstate carriers to register under the single-state registration system.

OK as
drafted

Please check the treatment of s. 194.41 (1) closely. Do you want to exempt carrier from this subsection, as drafted, or should a narrower exception be created instead?

OK

Please check the corrected obsolete cross-references in ss. 194.36 (5), 194.406 and 194.41 (6)(a). The U.S. Code sections referred to no longer exist, nor does the Interstate Commerce Commission, which administered those sections. Are these new cross-references OK?

Paul E. Nilsen
Legislative Attorney
261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0363/P1

PEN:pkjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT to amend 194.34 (1), 194.38 (5), 194.405, 194.41 (1) and 194.41 (6) (a) of**
2 **the statutes; relating to: motor carriers and the single-state insurance**
3 **registration system.**

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating as a common motor carrier or contract motor carrier (generally, motor carriers who, for compensation, transport passengers or property by motor vehicle) unless the person possesses the appropriate authorization issued by the department of transportation (DOT), files with DOT proof of liability insurance and registers the vehicle in this state. Also under current law, this state participates in a federal single-state registration system, under which motor carriers that travel between states are required to obtain authorization, file proof of liability insurance and register the vehicle with the motor carrier's base state, instead of with each state in which the carrier operates.

This bill clarifies that contract motor carriers registered by another state under the single-state registration system may operate in this state without having to obtain authorization and register with this state. Also under the bill, common motor carriers and contract motor carriers registered by another state under that system may operate in this state without having to file proof of liability insurance with DOT.

1999 - 2000 Legislature

- 2 -

LRB-0983/P1
PEN:pkjf

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 194.34 (1) of the statutes is amended to read:

194.34 (1) No person may operate any motor vehicle as a contract motor carrier without first obtaining unless the person first obtains a license and, if required under this chapter, a permit issued by the department ~~or unless the person is registered by another state under a single-state registration system consistent with the standards under 49 USC 14504~~, for the operation of the motor vehicle, except that no permit is required for the operation of a semitrailer. The department may refuse to issue any license or may attach to the exercise of the privilege granted by a license any terms or conditions which are permitted under this chapter.

SECTION 2. 194.38 (5) of the statutes is amended to read:

194.38 (5) To act in accordance with 49 USC 11506 ~~14504~~ by making any finding, determination and otherwise doing any other thing necessary to proceed under that statute. Nothing in this subsection shall permit the department to extend the length or weight of motor vehicles.

SECTION 3. 194.405 of the statutes is amended to read:

194.405 Single-state insurance registration system. The department may participate in and do all things necessary to implement and administer a single-state insurance registration system for motor carriers in accordance with 49 USC 11506 ~~14504~~. The annual fee required under this section for a motor vehicle that is operated in this state and which is subject to the single-state insurance registration system shall be \$5.

Add a provision to amend S. 194.17 to insert, after "S. 194.41,"
The words "or S. 194.405". This will make non-compliance with
SSRS have the same penalty as not filing insurance in Wisconsin

11/09/98 00:00

Veh R CARTEL

1999 - 2000 Legislature

- 3 -

LRB-0993/P1

PEN:pkjf

1 SECTION 4. 194.41 (1) of the statutes is amended to read:

2 194.41 (1) No permit or vehicle registration may be issued to a common motor
3 carrier of property, contract motor carrier or rental company, no permit or vehicle
4 registration may remain in force to operate any motor vehicle under the authority
5 of this chapter and no vehicle registration may be issued or remain in force for a
6 semitrailer unless the carrier or rental company has on file with the department and
7 in effect an approved certificate for a policy of insurance or other written contract in
8 such form and containing such terms and conditions as may be approved by the
9 department issued by an insurer authorized to do a surety or automobile liability
10 business in this state under which the insurer assumes the liability prescribed by
11 this section with respect to the operation of such motor vehicles. The certificate or
12 other contract is subject to the approval of the department and shall provide that the
13 insurer shall be directly liable for and shall pay all damages for injuries to or for the
14 death of persons or for injuries to or destruction of property that may be recovered
15 against the owner or operator of any such motor vehicles by reason of the negligent
16 operation thereof in such amount as the department may require. Liability may be
17 restricted so as to be inapplicable to damage claims on account of injury to or
18 destruction of property transported, but the department may require a certificate or
19 other contract protecting the owner of the property transported by carriers from loss
20 or damage in the amount and under the conditions as the department may require.

21 No permit or vehicle registration may be issued to a common motor carrier of
22 passengers by any motor vehicle, or other carrier of passengers by motor bus, except
23 those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle
24 registration may remain in force to operate any motor vehicle unless it has on file
25 with the department a like certificate or other contract in the form and containing

1999 - 2000 Legislature

- 4 -

LRB-0382/P1

PEN:pkjf

1 the terms and conditions as may be approved by the department for the payment of
2 damages for injuries to property and injuries to or for the death of persons, including
3 passengers, in the amounts as the department may require. This subsection does not
4 apply to a motor carrier that is registered by another state under a single-state
5 registration system consistent with the standards under 49 USC 14504.

6 SECTION 5. 194.41 (6) (a) of the statutes is amended to read:

7 194.41 (6) (a) Except as provided under par. (b), the minimum insurance
8 required under sub. (1) is the minimum level of insurance established under 49 USC
9 ~~10027~~ 18906 (a) (1).

10

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0383/21

PEN:pkjf

4K9



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 *Sen. Cox.* AN ACT *to amend* 194.34 (1), 194.38 (5), 194.405, 194.41 (1) and 194.41 (6) (a) of
2 the statutes; **relating to:** motor carriers and the single-state insurance
3 registration system. *and providing a penalty*

persons
Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating as a ~~contract motor carrier~~ motor carrier ~~the~~ ~~contract motor carrier~~ (generally, ~~motor carriers~~ who, for compensation, transport passengers or property by motor vehicle) unless the person possesses the appropriate authorization issued by the department of transportation (DOT), files with DOT proof of liability insurance and registers the vehicle in this state. Also under current law, this state participates in a federal single-state registration system, under which motor carriers that travel between states are required to obtain authorization, file proof of liability insurance and register the vehicle with the motor carrier's base state, instead of with each state in which the carrier operates.

This bill clarifies that ~~contract motor carriers~~ motor carriers registered by another state under the single-state registration system may operate in this state without having to obtain authorization and register with this state. Also under the bill, ~~contract motor carriers~~ motor carriers ~~and contract motor carriers~~ registered by another state under that system may operate in this state without having to file proof of liability insurance with DOT.

that are

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

inf 2
2-1
1 SECTION 1. 194.34 (1) of the statutes is amended to read:

2 194.34 (1) No person may operate any motor vehicle as a contract motor carrier
3 ~~without first obtaining~~ unless the person first obtains a license and, if required under
4 this chapter, a permit issued by the department, ~~or unless the person is registered~~
5 by another state under a single-state registration system consistent with the
6 standards under 49 USC 14504, for the operation of the motor vehicle, except that
7 no permit is required for the operation of a semitrailer. The department may refuse
8 to issue any license or may attach to the exercise of the privilege granted by a license
9 any terms or conditions which are permitted under this chapter.

10 SECTION 2. 194.38 (5) of the statutes is amended to read:

11 194.38 (5) To act in accordance with 49 USC ~~11506~~ 14504 by making any
12 finding, determination and otherwise doing any other thing necessary to proceed
13 under that statute. Nothing in this subsection shall permit the department to extend
14 the length or weight of motor vehicles.

15 SECTION 3. 194.405 of the statutes is amended to read:

16 **194.405 Single-state insurance registration system.** The department
17 may participate in and do all things necessary to implement and administer a
18 single-state insurance registration system for motor carriers in accordance with 49
19 USC ~~11506~~ 14504. The annual fee required under this section for a motor vehicle
20 that is operated in this state and which is subject to the single-state insurance
21 registration system shall be \$5.

1 **SECTION 4.** 194.41 (1) of the statutes is amended to read:

2 194.41 (1) No permit or vehicle registration may be issued to a common motor
3 carrier of property, contract motor carrier or rental company, no permit or vehicle
4 registration may remain in force to operate any motor vehicle under the authority
5 of this chapter and no vehicle registration may be issued or remain in force for a
6 semitrailer unless the carrier or rental company has on file with the department and
7 in effect an approved certificate for a policy of insurance or other written contract in
8 such form and containing such terms and conditions as may be approved by the
9 department issued by an insurer authorized to do a surety or automobile liability
10 business in this state under which the insurer assumes the liability prescribed by
11 this section with respect to the operation of such motor vehicles. The certificate or
12 other contract is subject to the approval of the department and shall provide that the
13 insurer shall be directly liable for and shall pay all damages for injuries to or for the
14 death of persons or for injuries to or destruction of property that may be recovered
15 against the owner or operator of any such motor vehicles by reason of the negligent
16 operation thereof in such amount as the department may require. Liability may be
17 restricted so as to be inapplicable to damage claims on account of injury to or
18 destruction of property transported, but the department may require a certificate or
19 other contract protecting the owner of the property transported by carriers from loss
20 or damage in the amount and under the conditions as the department may require.
21 No permit or vehicle registration may be issued to a common motor carrier of
22 passengers by any motor vehicle, or other carrier of passengers by motor bus, except
23 those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle
24 registration may remain in force to operate any motor vehicle unless it has on file
25 with the department a like certificate or other contract in the form and containing

1 the terms and conditions as may be approved by the department for the payment of
2 damages for injuries to property and injuries to or for the death of persons, including
3 passengers, in the amounts as the department may require. This subsection does not
4 apply to a motor carrier that is registered by another state under a single-state
5 registration system consistent with the standards under 49 USC 14504.

6 **SECTION 5.** 194.41 (6) (a) of the statutes is amended to read:

7 194.41 (6) (a) Except as provided under par. (b), the minimum insurance
8 required under sub. (1) is the minimum level of insurance established under 49 USC
9 ~~10927~~ 13906 (a) (1).

10 (END)

insert

2-1

Section #. 194.17 of the statutes is amended to read:

194.17 Penalties. Every common motor carrier of property or of passengers, every contract motor carrier and every private motor carrier to which this chapter applies and every person who operates without obtaining a certificate under s. 194.23 or license under s. 194.34, except a license for transporting exempt commodities, or without meeting the insurance requirements under s. 194.41, shall ^{194.405 or} forfeit not less than \$500 nor more than \$5,000. Any person who violates any other provisions of this chapter including the requirement to obtain a license to transport exempt commodities or the requirement to obtain a permit or who violates orders issued by the division of hearings and appeals or orders or rules issued by the secretary shall forfeit not less than \$50 nor more than \$100. Each violation constitutes a separate offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or servant or other person acting for or employed by any common motor carrier of property or of passengers, any contract motor carrier or any private motor carrier, done within the scope of employment is deemed to be the act, omission, or failure of the common motor carrier of property or of passengers, contract motor carrier or private motor carrier.

History: ~~1977 c. 29 ss. 1307m, 1654 (7) (a); 1977 c. 273, 447; 1979 c. 34; 1981 c. 347; 1983 a. 27; 1989 a. 359; 1993 a. 16.~~

insert
2-1
(cont.)

Section #. 194.23 (1) of the statutes is amended to read:

194.23 (1) No person may operate any motor vehicle as a common motor carrier ~~without first~~ ^{unless the person first obtains} obtaining a certificate and, if required under this chapter, a permit issued by the department for the operation of the vehicle, except that no permit is required for the operation of a semitrailer. The department may issue or refuse to issue any certificate. The department may attach to the exercise of the privilege granted by a certificate any terms or conditions which are permitted under this chapter.

History: 1981 c. 347 ss. 51, 80 (1); 1985 a. 208; 1993 a. 16.

, or unless the person is
registered by another state
under a single-state registration
system consistent with the
standards ~~and~~ under 49 USC 14504,

(end insert)

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/30/98

To: Representative Brandemuehl

Relating to LRB drafting number: LRB-0383

Topic

Single state registration system

Subject(s)

Transportation - motor vehicles

1. **JACKET** the draft for introduction Brandemuehl

in the **Senate** ____ or the **Assembly** ☒ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Brandemuehl

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926